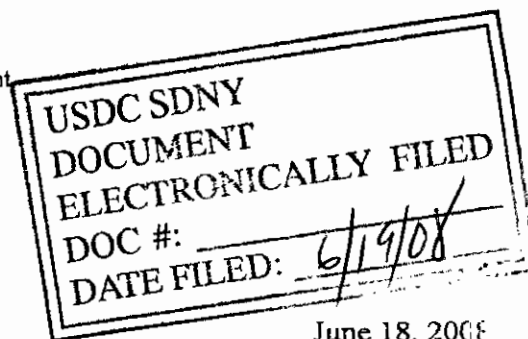




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June 18, 2008

Via fax (212) 805-7941

The Honorable Loretta A. Preska  
United States District Judge  
Southern District of New York  
United States Courthouse  
500 Pearl Street  
New York, New York 10007

Re: Nydia Perez v. JPMorgan Chase Bank, N.A.  
(U.S. Dist. Ct., S.D.N.Y., 07 Civ. 8446 (LAP) (MHD))

Your Honor:

The JPMorgan Chase Legal and Compliance Department represents Defendant in the above-entitled action. I am writing to provide you with a further update on the status of the mediation. In my May 21, 2008 letter to the Court, I advised that, following the mediation session that took place on May 9, 2008, Defendant was in the process of having its senior medical personnel review Plaintiff's medical records which I had obtained from eighteen (18) different providers and then consult with Defendant. As a result, the parties agreed to reschedule the mediation for June 16, 2008.

Based upon the review of Plaintiff's medical records, Defendant has concluded that it currently has significant differences with Plaintiff regarding the cause of her medical condition, whether Defendant's actions either have caused or exacerbated Plaintiff's condition, and the extent of Defendant's liability, if any, to Plaintiff. As you know, the parties have engaged in this initial attempt to resolve the matter without conducting a great deal of discovery. Accordingly, Defendant also has concluded that it requires additional information/discovery with which to attempt to determine whether or not it can narrow those differences. The parties then may resume the mediation. I have discussed these issues with Plaintiff's counsel and the mediator and we have agreed that, at present, further mediation sessions would not be productive. Therefore, the mediation session scheduled for June 16, 2008 was cancelled.

FROM JP MORGAN CHASE

Hon. Loretta A. Preska  
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June 18, 2008

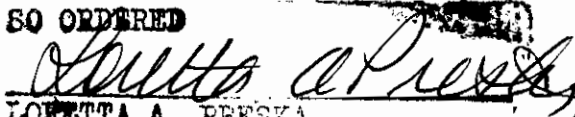
Other than limited document production by Defendant, the parties did not respond to each other's interrogatories and document requests and need to do so. In addition, Defendant will retrieve, identify and produce relevant emails. Defendant's additional discovery would include at least the designation of, and report by, an expert, a Rule 35 examination of Plaintiff, and the depositions of Plaintiff and one or more of her health care providers. Plaintiff's discovery would include at least the depositions of three or more of Defendant's current or former employees, and the deposition of Defendant's expert. As indicated, if circumstances warrant during or after this discovery, the parties may resume the mediation or request a settlement conference with the Court.

In order to conduct discovery in this action, the parties propose the following revised discovery schedule and request that it be "So Ordered" by Your Honor:

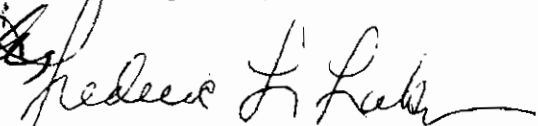
<u>Action</u>	<u>Current date</u>	<u>Revised Date</u>
Last day for Defendant to serve responses to Plaintiff's first Document Request and Answers to Plaintiff's Interrogatories	None	July 18, 2008
Last day for Plaintiff to serve responses to Defendant's first Document Request and Answers to Defendant's Interrogatories	None	August 1, 2008
Fact discovery cutoff and last day to file pre-motion conference letter	July 31, 2008	November 28, 2008
Last day to file response to pre-motion conference letter	August 7, 2008	December 5, 2008
Expert discovery cutoff	September 30, 2008	January 30, 2009
File joint pre-trial order	October 31, 2008	February 27, 2009
Status conference	None	

The parties are available for a conference to discuss any of these matters.

SO ORDERED

  
 LORETTA A. PRESKA  
 UNITED STATES DISTRICT JUDGE

Respectfully,



FLL

cc: Saul L. Glass, Esq. (via facsimile)

June 19, 2008